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3682

Patitioner's Docket No. 00570.01101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mombrinie, Bruno

Application No.: 09/692,083

Group No.: 3682

Filed: 10/19/2000

Examiner: V. Johnson

For: TWO-PIECE BICYCLE CRANK SET

Box Non-Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

TRANSMITTAL

1. Transmitted herewith is a SUBMISSION TO CORRECT PUTATIVE ERROR IN FILE WRAPPER in this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: April 22, 2002

Darlene Dickinson
Signature

Darlene Dickinson
(type or print name of person certifying)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

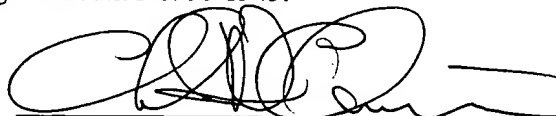
	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	7	Minus	54	= 0	x \$9 =	\$0
Indep.	2	Minus	5	= 0	x \$40 =	\$0
First Presentation of Multiple Dependent Claim					+ \$135 =	\$0
Total						Addit. Fee \$0

No additional fee for claims is required.

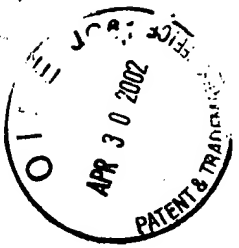
FEE DEFICIENCY

5. If any additional fee for claims is required, charge Account No. 50-1943.

Date: April 22, 2002



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11/letter
Re
claims
5-802
JH

In re: Patent application of
Bruno Mombrinie

Serial No.: 09/692,083

Filed: October 19, 2000

For: TWO-PIECE BICYCLE CRANK SET

: Group Art Unit: 3682

: Examiner: V. Johnson

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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SUBMISSION TO CORRECT PUTATIVE ERROR IN FILE WRAPPER

Sir:

This paper is submitted to correct what is apparently an omission or an error in the file wrapper for this patent application in the United States Patent and Trademark Office.

This paper is **not** submitted as a substantive response to an unnumbered paper bearing a mailing date of 16 April 2002. A response to that paper will be submitted in due course.

In the unnumbered paper bearing a mailing date of 16 April 2002, the examiner states correctly that a preliminary amendment was filed on 1 November 2001 and that the preliminary amendment indicated claims 1-54 were to be cancelled and that new claims 55-62 were to be substituted therefor. The examiner further states that "however, the amendment filed November 1, 2001 was filed with claims numbered as 55-58 and 60-62.

Accordingly, claims 60-62 are being renumbered in accordance with 37 C.F.R. 1.126 as claims 59-61, respectively. As such, there is no method from which claim 60 and 61 (now renumbered as 59 and 60) depend and therefore, the restriction and election of species are improper and have been withdrawn".

New claims 55-62 were submitted on Attachment 1. Apparently, the Attachment 1 submitted on 1 November 2001 to the examiner lacked some or all of claim 59. In that regard a photocopy of Attachment 1 in applicant's counsel's file, as such Attachment 1 was submitted on 1 November 2001, appears to have three (3) lines missing from claim 59 in that the first words appearing on that sheet for claim 59 are "bracket shell". Attachment 1 did include claim 59. Attached hereto as Exhibit A is Attachment 1 to applicant's paper dated 1 November 2001 as Attachment 1 apparently exists in the file wrapper for this application in the United States Patent and Trademark Office. It will immediately be noted that the beginning of claim 59 is missing.

Further submitted herewith as Exhibit B is Attachment 1 as printed from applicant's counsel's word processing system where claim 59 appears in full. To the extent the Attachment 1 under consideration by the examiner as apparently accompanying applicant's preliminary amendment dated 1 November 2001 lacks a portion of claim 59, the examiner is respectfully requested to substitute the Attachment 1 submitted herewith as Exhibit B for the Attachment 1 currently in the file in the United States Patent and Trademark Office. The examining attorney is further requested to reconsider and restate

the second full paragraph under the number "1" in the paper dated 16 April 2002 and is still further requested to restart the time period for response thereto.

Respectfully submitted,

Date: April 22, 2002




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Darlene Dickinson
April 22, 2002